

ion are greater than the sins of commission.

I think there is no greater sin than to put a stumbling block in the footpaths of those who want to learn. The point here, a very simple one, is a philosophy; whether we pass it or not, is not going to make too much difference, I think, because some day some of these pages or some of these children who have been visiting us are going to bring suit against the State of Maryland and say, I was denied it because I could not afford it, and yet my people for centuries have been paying taxes to maintain a public institution, which denies a citizen the right of admission.

THE CHAIRMAN: You have one-half minute.

DELEGATE PULLEN: I do not need any more, sir. All I say is this: let us get the point of view. What we are driving at here is nondiscrimination against any citizen for any reason in God's world. That is democracy.

THE CHAIRMAN: Delegate Lord.

DELEGATE LORD: Mr. Chairman, I will yield about two minutes of my remaining time and yield back the rest to the Chair.

This amendment, as you know, is to delete section 2 in its entirety. I am not sure of the posture of that amendment because I am not sure whether officially the word "promote" has been substituted for the word "provide". I will assume that it has.

THE CHAIRMAN: It has not. What you have before you is a statement of intent by Delegate Wheatley, that if Amendment No. 3 fails, he will offer an amendment to section 2 to change the word in the manner indicated. Delegate Lord.

DELEGATE LORD: I anticipated that amendment to some extent. I do not think it adds anything because I think it further muddies the water. I think the point has been made clear by Delegates Raley, Borom, Winslow, and Cardin, that no one knows what this clause means. Certainly the majority in the short space of two weeks from November 9 to November 27, when it submitted its memorandum, has changed its position entirely. Everyone in the majority is quite clear that it meant free tuition for as long as the child wanted to go to school. Now they disavow this intention and say that the words are "incapable of precise definition".

Now, if this confusion exists in the body, I submit that this confusion is going to be compounded when this language is incorporated into a document that is to go to the people for application. I submit that it is a litigation breeder of the worst sort; even without this language in the State of Virginia there is a pending lawsuit brought by a county of the type that was described by Dr. Pullen that receives small amounts of money from the state to equalize that amount of money that is received by other counties.

Now, even without this language, we are going to have these problems. With the language, there are going to be considerably more problems, and for these reasons, I would urge that you would support the amendment.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman—

THE CHAIRMAN: You have three minutes, Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman and ladies and gentlemen of the Convention, three minutes will be ample time for me to make my point very clear. I suggested that we all amend this to strike out the words "provided by law" to "promote", which I think alleviates some of the technical problems; and being an attorney, I feel I am free to say we are discussing this article more like attorneys than educators. It is quite clear that the Committee did not, quite contrary to the minority, ever vote that this was free education for everybody as long as they want to go. Quite to the contrary. I would suggest the due process and many of the other lofty-sounding principles we have, have been interpreted from year to year and are placed in this constitution. The reasonableness doctrine is the one that would be used on this; if there were any question about it, one could ask, is it reasonable? What is the redress we ask, not that the State may maintain neutrality, not equal protection under the law. Protection is a negative term. We are saying the State has an affirmative responsibility, not as suggested by those who are not now present and spoke against this, that the State will stultify or stop equal educational opportunities, not to stop head-start programs, but to encourage them; so when you vote for this amendment or against it, do not cast your vote behind some subtle technicality. I want to make the record clear now: when you vote on this amendment, you are voting either for